

1 emphasize the requirement that a Bell operating company section 271 application must be
2 complete on the day that it is filed. The implication for Louisiana is clear. Our cost dockets will
3 not be completed until October. In order to have a complete record, BellSouth cannot file or
4 perhaps should not file -- I guess they can file when they want -- its application at the FCC until
5 those dockets are concluded. Therefore, there appears to be no reason for BellSouth to oppose
6 the Commission's request for an extension so that the Commission can vote on a complete record
7 in October. Secondly, the 8th Circuit ruling in Iowa Utilities Board versus FCC creates a conflict
8 between the Commission's rules and the FCC, specifically the 8th Circuit ruling on the
9 recombination of unbundled network elements and its ruling on the pricing of vertical services
10 require that the Commission, in order to bring the local competition rules into compliance with
11 the Court, amend its rules; therefore, we order the staff to prepare amendments that would bring
12 the local competition rules into compliance with the latest judicial expression. These proposed
13 amendments will be published in the Bulletin and comments by the intervenors will be accepted.
14 This procedure shall be completed by the Commission's regularly scheduled September meeting --
15 October 1st, I believe, is when it's scheduled -- so that BellSouth has sufficient time to amend its
16 SGAT to reflect changes in the local competition rules for the regularly scheduled October
17 meeting on the 22nd of that month. Finally, this Commission is encouraged by the development
18 of BellSouth's operational support systems. Having said that, we also recognize the critical
19 importance of OSS to the development of local competition. Given an additional 60 days, we
20 believe that BellSouth can further improve its OSS particularly in the area of capacity, LENS'
21 inability to reserve more than six lines, the joint ordering capacity of LENS and EDI exceeding
22 BellSouth's capacity to generate orders and the minimum capacity of BellSouth's repair and
23 maintenance interface known as TAFI. Therefore, we order that on September 5th and October

APPENDIX 6



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T. Michael Twomey
Attorney

October 16, 1997

VIA FEDERAL EXPRESS

Ms. Susan Cowart
Administrative Hearings Division
Louisiana Public Service Commission
One American Place, Suite 1630
Baton Rouge, Louisiana 70825

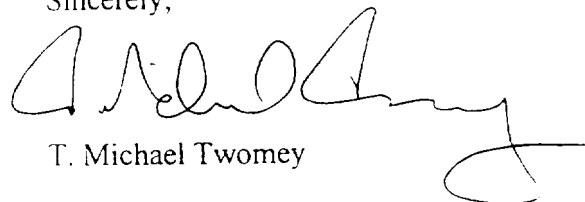
RE: Cox Louisiana TelCom II, L.L.C., ex parte
LPSC Docket No. U-22624
In re: Request authority to provide both Competitive
Local Exchange and Long Distance Telecommunication
Services and a request for exemption/waiver from the
unbundling requirements as set forth in the La. Regulations
for Competition in the Local Telecommunication Market

Dear Ms. Cowart:

Enclosed is the original and one copy of BellSouth Telecommunications, Inc.'s Memorandum in Opposition to Motion for Summary Judgment to be filed into the record of the referenced docket. Included also is an additional copy which we request that you date stamp and return in the envelope provided.

With kind regards. I am

Sincerely,



T. Michael Twomey

TMT/as

Enclosure

cc: Lawrence C. St. Blanc (w/encl.) (via Federal Express)
Daniel Shapiro (w/encl.) (via Federal Express)

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION

COX LOUISIANA TELCOM II, L.L.C.,
EX PARTE

In Re: Application of Cox Louisiana Telcom II,	*	
L.L.C. For A Certificate Of Public Convenience	*	
And Necessity To Provide Local Exchange And	*	Docket No. U-22624
InterLATA Telecommunications Service And A	*	
Request For Exemption/Waiver From The	*	
Unbundling Requirements As Set Forth In The	*	
Louisiana Regulations for Competition In The	*	
Local Telecommunications Market	*	

MEMORANDUM IN OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT

BellSouth Telecommunications, Inc. ("BellSouth") submits this memorandum in opposition to the Motion for Summary Judgment filed by Cox Louisiana Telcom II, L.L.C. ("Cox") with respect to Cox's application for authority to operate as a competitive local exchange carrier ("CLEC") in Louisiana.

DISCUSSION

BST's objection to Cox's application is limited to one issue: Should the unbundling obligations of the Commission's Regulations for Competition in the Local Telecommunications Market ("the Regulations") apply to all TSPs? BellSouth has no objection to Cox being certified as

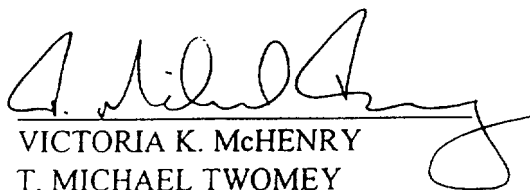
a CLEC. Moreover, BellSouth's objection to the request for exemption is based primarily on the manner in which the exemption has been sought, rather than on the merits of the request.

After Cox filed its application, BellSouth intervened and the matter was docketed for consideration by the Administrative Hearings Division. Unwilling to participate in the adjudicatory process, however, Cox seeks to bypass that process and have the Commission grant, in summary fashion, its request without any record evidence, and without any formal participation by either an Administrative Law Judge or the Commission Staff. Cox justifies its actions by innocently misstyling its request as an "exemption" from various provisions of the Regulations. The basis for the "exemption," however, is not specific to Cox. Any TSP seeking to do business in Louisiana could make the same arguments as Cox to justify exemption from the unbundling requirements. For example, Cox argues that "the [Telecommunications Act of 1996] contains absolutely no requirement on new entrants to unbundle their facilities." See Motion for Summary Judgment (Sept. 19, 1997), at p. 9. Cox is challenging this Commission's right to require any CLEC to unbundle its network.

Irrespective of the merits of Cox's request, BellSouth respectfully submits that, if the Commission grants Cox's request, it will have no basis for denying the same relief to every other CLEC operating in Louisiana. As such, the request should be evaluated as a proposed amendment to the Regulations. If the Commission is inclined to agree with the merits of Cox's request, the Commission Staff should prepare a proposed amendment to the rules to be published and to be circulated to the parties to Docket No. U-20883. In the interim, Cox's application to become a

CLEC could be approved and Cox could be granted a temporary exemption from the unbundling requirements while the Commission receives comments from all interested parties regarding any proposed amendment to the Regulations.

Respectfully submitted,



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Attorneys for BellSouth
Telecommunications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent to all counsel of record by overnight delivery, this the 16th day of October, 1997

